

**BOARD OF SELECTMEN
MEETING MINUTES
TUESDAY, JULY 12, 2005
ABLONDI ROOM**

Attendance: Katherine E. Murphy, Chair; John H. Stasik, Chair; Charles J. Sisitsky, Clerk; A. Ginger Esty, Member; Dennis L. Giombetti, Member

Staff: George P. King, Jr., Town Manager; Mark J. Purple, Assistant Town Manager; Matthew A. Romero, Executive Assistant

The Chair called the meeting to order at 6:30 PM.

MOVED: To move into Executive Session for the purposes of discussing litigation and collective bargaining.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5 – 0 (roll call vote)

The Board returned to open session at 7:24 PM, and Mr. Sisitsky rejoined the meeting. The Chair reviewed the agenda.

Public Participation

Ted Cosgrove

Mr. Cosgrove thanked the Board for supporting the amendment to the zoning by-laws, responding to STEPPS's questions in a timely manner, and calling the social services summit. He commented that SMOC's response to not attending this evening was disappointing to him.

Consideration of a Second Hand License for Jeffrey Franc & Co. - Second Hand License

Ms. Nadine Franc was present to answer questions for the Board, explaining that they were seeking a one year license, which would allow them to attend multiple shows throughout the year. Mr. King explained that this was an unusual circumstance, since most licensees were based in the Town and had a Town address; however, the interpretation had been that because they were purchasing in Framingham, the business would require a local license. Mr. Stasik commented that it would be difficult to issue the business an annual license because they did not have a permanent address. Mr. King explained that it was difficult not to because the license was annually based. Ms. Franc pointed out that the time to go through the formal license application process was too lengthy to allow them to do so before each individual show. Mr. Sisitsky made the motion to grant the license only for those dates specified because the Town needed to have some control over the company, and Ms. Esty seconded. Mr. Stasik suggested granting the license but requiring the applicant to inform the Board of future shows prior to attending. Mr. Giombetti offered an amendment to Mr. Sisitsky's motion to grant the license for the specific period stated, and to require a letter of submission to be approved by the Board for future shows without need of the full licensing process.

MOVED: To grant the license for the specific dates requested, and to require a letter of submission to inform the Board of future shows, which would require the Board's approval.

Motion: Mr. Sisitsky
VOTE: 5 – 0

Second: Ms. Esty

Consideration of a Change of Manager and Assistant Manager for Olive Garden (1 Worcester Road)

Ms. Rachel Matthews was present on behalf of The Olive Garden. All of the employees were trained and certified. Ms. Matthews had been acting as general manager since June 1, 2005. Mr. Sisitsky noted that both candidates had been approved by the Framingham Police Department (FPD).

MOVED: To grant the change of manager and assistant manager.

Motion: Mr. Sisitsky

Second: Mr. Giombetti

VOTE: 5 – 0

Consideration of requests for a New Officer/Director, Transfer of Stock, and Change of Manager for Gold Star Indian Restaurant (341 Cochituate Road)

Mr. Anthony Lombardi was representing the Gold Star Indian Restaurant, and gave the Board a brief overview. Mr. Lombardi gave the work history for Mr. Khandker Mashood, the new manager, and noted that he had received his certification card. Mr. Lombardi explained that the business owner was a tenant, and Ms. Esty suggested reexamining the responsibility of the tenant to make the improvements to the building.

MOVED: To grant the license contingent up on the conditions set forth by the Department of Public Works (DPW).

Motion: Mr. Sisitsky

Second: Mr. Giombetti

VOTE: 5 – 0

Consideration of MBTA Licenses

Mr. King explained that the agreement would indemnify the MBTA at any point in the future for any future incidents. Mr. King pointed out that the Town would assume a large amount of liability by doing so. Mr. Sisitsky recalled that that most risks would be sub-surface, and that the Board had discussed allowing only activities that would be aboveground.

MOVED: To approve the licenses as presented.

Motion: Ms. Esty

Second: Mr. Stasik

VOTE: 5 – 0

Warrant for a Special Town Meeting for August 3, 2005

Mr. King pointed out that there was a new version of the warrant, as amended by Town Counsel. Ms. Esty asked when the local by-law had originally been passed, and Mr. King said he was unsure but thought it had been done in recent years, and said he would look into it. Mr. Stasik clarified that Town Counsel's changes clarified the language to achieve the Board's previously discussed goals in amending the by-law. Ms. Murphy noted that the Board did not typically take positions on zoning by-laws, but asked its preference for taking a position on this article. Mr. Sisitsky suggested waiting until after the Planning Board (PB) had held its hearing to take a vote of support.

MOVED: To open and close the warrant for Special Town Meeting.

Motion: Mr. Sisitsky

Second: Ms. Esty

VOTE: 5 – 0

Consideration of various appointments

Election Officers

Mr. King explained the process whereby the Board appointed election officers for the Town. Mr. Sisitsky pointed out that the letter explained that the Board should do so no earlier than July 15, 2005, and recommended tabling it until the next meeting.

MOVED: To table the election officers' appointment until July 26, 2005.

Motion: Mr. Sisitsky

Second: Ms. Esty

VOTE: 5 – 0

Human Relations Commission

Ms. Esty asked about the Human Relations Commission and its delinquency on the minutes. Ms. Murphy suggested giving the Commission some more time and then following up further.

MOVED: To reappoint Ms. Weston-Dyer to the Human Relations Commission.

Motion: Mr. Stasik

Second: Mr. Sisitsky

VOTE: 5 – 0

*Framingham Union Grants Panel of the MetroWest Community Health Care Foundation
Nominations*

MOVED: To submit the names of Cheryl Tully Stoll and Nancy Morse to the Framingham Union Grants Panel of the MetroWest Community Health Care Foundation.

Motion: Mr. Giombetti

Second: Mr. Sisitsky

VOTE: 5 – 0

Framingham Union Hospital Local Advisory Board

MOVED: To nominate Ms. Valerie Mulvey and Dr. Esther A. H. Hopkins to be appointed to the Framingham Union Hospital Local Advisory Board.

Motion: Mr. Giombetti

Second: Mr. Sisitsky

VOTE: 5 – 0

Consideration of an appointment to the Democratic Registrar of Voters

Mr. King explained the process to the Board. Ms. Linda Fields was present to request reappointment. The Democratic Town Committee had recommended Ms. Fields. Ms. Fields explained for the viewers what the function of the Democratic Registrar of Voters was.

MOVED: To appoint Ms. Linda Fields as the Democratic Registrar of Voters.

Motion: Mr. Giombetti

Second: Ms. Esty

VOTE: 5 – 0

Consideration of appointment request to Disability Commission

Mr. Brian Sherman was present to discuss the matter. Mr. King explained that the office had no record of receiving Mr. Sherman's letter requesting reappointment, and was thus not considered when making appointments. Mr. Sherman agreed with the Manager's discussion. Mr. Stasik stated that he was sorry for the situation, and suggested asking another member if they were interested in serving on another commission. Ms. Esty asked to see the attendance records, and asked if another member who had not been able to attend would like to step down, however the Board could not rescind an appointment that had already been made.

Disability Commission

Mr. Sisitsky asked about the portable toilet line item, and Mr. Sherman described the regulations requiring the temporary use of a portable toilet at this location.

MOVED: To approve the amounts of money as described by the Assistant Town Manager.

Motion: Ms. Esty

Second: Mr. Sisitsky

VOTE: 5 – 0

Concert Fund

Mr. King explained that the expenses Building Services had incurred would be greater than the existing spending limits on the revolving fund.

MOVED: To approve the amounts of money as described by the Assistant Town Manager.

Motion: Mr. Sisitsky

Second: Ms. Esty

VOTE: 5 – 0

Consideration of MetroWest Medical Center (MWMC) Report

Ms. Murphy explained that the MWMC had extended its comment period to the Department of Public Health. Ms. Esty asked about the distinction between the free clinic and the free care offered at the hospitals. Mr. Sisitsky thought that the confusion arose from the fact that the MWMC originally ran both the clinic and the free health care at the medical center, but the two programs were now being handled by different groups. Ms. Esty suggested inviting someone in to speak to the Board, and Mr. King suggested asking Mr. Patrick Mutch in to a Board meeting in the fall

Social Services Summit

Major Tristan and Major Copeland were both present to represent the Salvation Army in Framingham. Ms. Murphy explained the purpose for inviting the CEO's of the social services to engage in a dialogue. Major Tristan noted that the Salvation Army had been present in Framingham for about 100 years. Major Tristan explained that the Salvation Army was before being a social service agency a church. She explained that there was a distinction between the community programs and the store in the Salvation Army. While the Framingham location had both functions they were separate departments within the

organization. She gave an overview of the Salvation Army's current operations and programs.

Mr. Sisitsky asked how the overall corporation was made up, and who owned the building. Major Tristan responded that the Salvation Army Corporation in New York owned the location. Mr. Stasik asked about the number of people that were served by the Salvation Army, and Major Tristan explained that the building was used for various meetings serving 2,605 individuals, and elaborated on other outreach programs.

Mr. Giombetti suggested having a subcommittee that would work with the CEO's of the various social service organizations, and asked if the Salvation Army would be interested in participating in dialogue with the subcommittee and Major Tristan expressed interest in working with the Town.

Ms. Esty asked where the Salvation Army's nearest centers outside of Framingham were and Major Tristan explained that Milford and Waltham were the nearest community centers. Major Copeland explained that the stores were located on major thoroughfares, and Major Tristan noted that the community centers were placed for accessibility purposes. Ms. Esty asked why the clothing store portion was located in the back, while the retail space was being used for the community center functions. Ms. Esty questioned that there was not sufficient waiting area for the programs being offered and that some of the people waiting outside were contributing to congestion in the downtown area and combined with the wet shelter and the methadone clinic was making an unhealthy situation. Major Tristan explained that there was not currently any other entrance, but the Salvation Army was open to suggestions and working with the Town on these concerns. Ms. Esty suggested giving a copy of the FPD study of the downtown area to Major Tristan. The Salvation Army was not looking to move their location, but would be open to discussion with the Town.

Mr. William LeBarge thanked the representatives for the Salvation Army for attending the meeting, and for all of their work.

Mr. Jeffrey Buck thanked the Board for inviting the agencies. He asked if the Board was asking the Salvation Army to relocate, and under what authority the Board would be asking them to move. Ms. Murphy clarified that the Board was not asking that of the Salvation Army. Mr. Buck asked if the loitering in front of the Salvation Army was a concern of the Board, since he had concerns over other locations where loitering was prevalent.

Mr. Jim Rizoli thanked the representatives for coming. He asked if the Salvation Army provided services to anyone, and Major Tristan confirmed that they did. He expressed concern that illegal immigrants were using the services of the Salvation Army.

Ms. Caroline Levy wondered if there had been any talk of municipal bonds particularly with regard to downtown revitalization.

Mr. John Steacie, member of the Economic Development Industrial Commission (EDIC), responded to Ms. Levy's inquiry that the EDIC was authorized to issue industrial bonds. He also explained that the EDIC would be interested in meeting with the Salvation Army as well.

Another resident expressed concern that there were no lights near the Salvation Army.

Mr. Sisitsky thanked the Salvation Army for coming, suggested discussing the letters received from the other social service organizations, and suggested implementing Mr. Giombetti's suggested subcommittee. Ms. Murphy thought that a subcommittee could address that issue. Ms. Murphy noted that letters had been received from the other organizations declining to attend for various reasons. Mr. Stasik thanked the Salvation Army and thought that this was the productive kind of discussion that he had been hoping to have that evening.

The Chair called a recess at 9:10 PM and called the meeting back to order at 9:20 PM.

Ms. Esty asked to return the discussion to the social service agencies to discuss how to move forward. Mr. Stasik commented that the subcommittee would report back to Board about the matter. Ms. Esty disagreed, and stated that the Board should have questions prepared. Ms. Murphy asked what the end goal would be, and Ms. Esty explained that she wanted to discuss establishing PILOT programs and discussing what the Town could do to regulate social service agencies.

Discussion of PILOT Study Committee

Ms. Murphy hoped to come to an agreement on the criteria for the advertisements. Mr. Sisitsky agreed to advertise for members and make appointments at the next meeting. Mr. Giombetti proposed to allow each Board member to appoint a member. Mr. Giombetti felt this would add diversity to the committee. Mr. Giombetti made a motion allowing each Board member to appoint one member of the PILOT Study Committee and Ms. Esty seconded for discussion. Mr. Sisitsky felt that the process should be open, and felt that appointing individuals directly would limit the candidate pool. Mr. Stasik agreed with Mr. Sisitsky because he believed that many people felt strongly on the issue, and felt it was important to clarify the responsibilities in the announcement. Ms. Murphy felt that appointing by the vote of the Board would allow everyone an equal chance. Mr. Giombetti reiterated his support for allowing each Board member to appoint one member of the PILOT committee because the Board itself was diverse. Mr. Sisitsky clarified that he did not represent a particular constituency but the entire Town. Ms. Esty agreed with Mr. Giombetti's proposal.

MOVED: To allow each Board member to appoint one member of the PILOT Study Committee.

Motion: Mr. Giombetti

Second: Ms. Esty

VOTE: 2 – 3 (motion failed)

MOVED: That the Board establish a description of the application and process whereby individuals can apply for the positions and be appointed by majority vote of the Board.

Second: Mr. Sisitsky

Mr. Giombetti wondered if the Town Moderator's appointments were required to be Town Meeting Members. Mr. Ed Noonan, Town Moderator, clarified that the motion was an amendment not a resolution of Town Meeting. Mr. Noonan asked about the timeline to be used, noting that the committee was to report at the next Town Meeting. He suggested using the fall Town Meeting as the ultimate target date for the first substantive report. Mr. Noonan explained that he preferred to hold individual interviews with candidates and suggested that the Board do the same. Mr. Noonan also offered to chair the committee, or co-chair with the Chair of the Board since the membership was an even number. Mr. Noonan also clarified that there was nothing in Mr. Cosgrove's amendment that limited the Moderator's appointments to Town Meeting Members. Mr. Noonan discussed the language in the amendment and the elements that would need to be considered in discussing criteria for appointment, and committee charge. Ms. Murphy felt that the committee should chair and organize itself, and Mr. Noonan agreed that that was a possibility as well. Mr. Giombetti suggested having the committee review the language and developing its own direction and report back for direction from the Board. Mr. Stasik felt that there should be some general charge to the committee, and Mr. Noonan pointed out that the language in the amendment provided such a charge. Ms. Murphy suggested making appointments on July 26, 2005.

Ms. Murphy asked Ms. Esty if this addressed her concerns that she had previously expressed. Ms. Esty agreed, but wanted to have regular updates to ensure that all aspects were addressed.

MOVED: To form a Board subcommittee that would meet regularly with the social service agencies' CEO's as a group, to start the discussion on the issues between the Town and the social service agencies.

Second: Mr. Sisitsky

Ms. Murphy asked Mr. Giombetti and Mr. Sisitsky to sit on the Social Service Agency Subcommittee, and they both agreed to do so.

Town Manager's Report

Interim Goal Update and Town Manager FY2005 Goals

Mr. King reminded the Board that he had been requested to present an update at this time, though the formal evaluation would be scheduled for September 2005. Mr. King used a power point to overview each of his goals.

Goal 1 – To promote the vitality of downtown Framingham in terms of both business and residential interests

This goal had ten specific objectives and was very complex, and he gave a brief overview of his progress to date. Ms. Murphy noted that she had heard positive feedback from the Code Enforcement Task Force's work. Mr. King explained that the program was in its infancy, but would continue to generate results. Mr. Sisitsky had suggested to the Police

Chief that prior to his presentation to Town Meeting that he come to a Board meeting to discuss the matter further. Mr. King suggested having him in near the end of summer. Mr. Giombetti suggested having Division Heads come in to make an overall presentation of their goals from time to time to inform the Board, inform the public, and provide visibility into the Manager's management of the Town's divisions. Ms. Esty requested a schedule from the Town Manager for such presentations. Mr. King noted that he was going to suggest a schedule for budget development, which would include the division heads.

Goal 2 – Engage in a comprehensive review of the Town's health insurance program for the purpose of controlling costs to the municipality

Goal 2 had four specific objectives, and noted some of the progress that had been made with regard to this goal. Mr. King explained that this progress had been demonstrated with specific numbers.

Goal 3 – Strive to increase the communication and interaction with Town Meeting Members and rank and file employees for the exchange of information and ideas

This had six specific objectives, and he explained his method for getting in touch with rank and file employees, and felt that Town Meeting went well and the interaction between Town Meeting Members and the administration had been good. Mr. Sisitsky asked about the Affirmative Action Policy, and Mr. King explained that the Personnel Board was reviewing it presently.

Goal 4 – Complete a comprehensive review of the Town buildings and infrastructure needs making appropriate recommendations to the Board of Selectmen for the purpose of developing a long term strategy

Goal 4 had four specific objectives, and noted that while progress had been made, more work needed to be done in the future including a report on the Memorial Building heating system, which was presently scheduled for July 26, 2005. He felt that his overall capital projects proposal in fall 2004, while not well received had provided a focus for reviewing and reforming the capital budget process.

Goal 5 – To further improve the Town's customer service policy and implementation of the policy by all Town employees

Mr. King also pointed out that there are many non-goal issues that were essential to running the Town on a day to day basis. He pointed out that the budget was completed for the second year in a row without a full-time CFO, and that the budget was exceptionally difficult due to a lack of readily available cuts. He also had developed a 3 year financial projection, which he wanted to discuss in greater detail with the Board. Mr. King also pointed out the unexpected changes in the transitioning of the upper management of the Fire Department, some of which were sudden. He also felt that collective bargaining had gone well this past year as well.

Town Manager Evaluation Schedule

The Manager reviewed his proposed schedule for evaluation. He suggested submitting the self evaluation to the Board on September 13, 2005, using September 27, 2005 as the due date for the individual Board member evaluations, and using October 11, 2005 as the

date for the public presentation of the Town Manager composite evaluation. Discussion of awarding a merit pay increase as provided for in the contract would be conducted in executive session.

Ms. Murphy asked if the new evaluation could be implemented in time for the FY2006 goals, and Mr. King felt that a slightly modified evaluation could be implemented.

Mr. Sisitsky asked why the flag was at half staff at the Concord Street Fire Station, and Mr. King said he would look into it and report back.

Mr. Stasik asked if the Water and Sewer Rate Hearing had been advertised, and Mr. King clarified that it had been. Ms. Murphy noted that she had also made an announcement at Town Meeting the night before in addition to the newspaper advertisement.

Mr. Stasik asked if assessing rate payers on water bills to improve the Town's infrastructure in advance of performing the work was allowable, and Ms. Esty responded that it was, but that the Town could not make a profit off it. Mr. Sisitsky disagreed, and Mr. King agreed that surplus funds remained in the enterprise fund. Ms. Esty believed that water and sewer enterprise funds needed to be looked at differently because they were regulated by state statutes. Ms. Esty also asked about the practice of allowing the school department and municipal buildings to not pay for their water bills. Mr. King clarified that in FY 2006 school and municipal buildings would not be charged, as the Board was aware, to help balance the budget and they were not charged in FY 2003; however, in FY 2004 and FY 2005 all municipal buildings, including the school department paid at cost. Mr. King reminded the Board that should additional funding become available in fall 2005 this would be one of the first budget cuts restored.

CFO Search

Mr. King explained he would be appointing a search committee to interview the candidate. He wanted to have a five or seven member committee, and asked for suggestions about the makeup. Mr. King suggested representation from the Board, Finance Committee and Ways and Means. Mr. Giombetti suggested the School Committee and Ms. Esty suggested Capital Budget Committee. Mr. King agreed they would be good committees to be represented and said he would also appoint two at large members. Ms. Murphy asked Board members interested in representing the Board to let her know.

Mr. Giombetti asked to have the future agenda items included in the packets, and Mr. King explained that it had been omitted because he had been on vacation and had not been present to put one together.

Selectmen's Reports

Ms. Esty

Ms. Esty asked if the new planners could be dedicated to apply to the MetroWest Health Growth Foundation for a grant pertaining to asthma and clean air. She was hoping to hold a TIP Committee meeting soon. Ms. Esty said she had heard a rumor that the wet shelter would be moving, and asked for that to be looked into.

Mr. Stasik

Mr. Stasik noted that once the Planning Board officially made its appointment to the committee then the meetings for the Sign By-Law Task Force could begin. CSX had expressed interest in working with one group entity on the Bruce Freeman Trail, and Mr. Stasik asked the Board's preference for hearing reports on the matter. Mr. Sisitsky suggested giving periodic updates to the Board.

Mr. Giombetti

Mr. Giombetti had nothing additional to report.

Mr. Sisitsky

Mr. Sisitsky had nothing additional to report.

Executive Session

MOVED: To move into Executive Session for the purposes of discussing collective bargaining.

Motion: Mr. Sisitsky Second: Mr. Giombetti

VOTE: 5 – 0 (roll call)

Upon returning from Executive Session.

MOVED: To adjourn at 11:15 PM.

Motion: Mr. Sisitsky Second: Mr. Stasik

VOTE: 4 – 0 (roll call)

Respectfully submitted,

Charles J. Sisitsky, Clerk